

PATENT
450100-3247.4REMARKS

The Office Action in the above-identified application has been carefully considered and this amendment has been presented to place this application in condition for allowance. Accordingly, reexamination and reconsideration of this application are respectfully requested.

Claims 22-48 are in the present application. It is submitted that these claims were patentably distinct over the prior art cited by the Examiner, and that these claims were in full compliance with the requirements of 35 U.S.C. § 112. The changes to the claims, as presented herein, are not made for the purpose of patentability within the meaning of 35 U.S.C. sections 101, 102, 103 or 112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

Claims 22-48 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Lett et al. (U.S. Patent 5,592,551) in view of Garfinkle (U.S. Patent 5,530,754) and Cannhi et al. (U.S. Patent 5,930,444).

The present claims have been amended to recite "wherein a second channel, time-offset from said particular channel, is selected to supply the program information if a time difference between the pause command and the resume command is greater than said time-offset." (Claim 22, Claims 30, 41, 43, and 48 contain similar limitations) This limitation corresponds to the feature of the present invention shown in Figure 2B and described starting on page 14 of the specification. If a user pauses the playing of a program, the program continues to be buffered. This buffering will continue for a period equal to the time-offset between channels if the playback is not earlier resumed. After which, when playback is resumed, the buffered program

PATENT
450100-3247.4

information will be played and an appropriately time-offset new channel will be selected to supply the remainder of the program information. In this manner, a combination of time-offset channels is used to seamlessly provide the program information.

The Examiner relies upon Garfinkle to meet the present invention's buffering limitations and Camhi to meet the pause feature of the invention. However, none of the cited references (Lett, Garfinkle and Camhi) addresses the situation where a program is paused on a particular channel for a period greater than the time-offset between channels and is resumed using a different time-offset channel. Accordingly, Lett, Garfinkle and Camhi do not disclose "a second channel, time-offset from said particular channel, is selected to supply the program information if a time difference" as recited in the present claims.

For at least this reason, Lett, Garfinkle and Camhi fail to obviate the present invention and the rejected claims should now be allowed.

In view of the foregoing amendment and remarks, it is respectfully submitted that the application as now presented is in condition for allowance. Early and favorable reconsideration of the application are respectfully requested.

No additional fees are deemed to be required for the filing of this amendment, but if such are, the Examiner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account No. 50-0320.

PATENT
450100-3247.4

If any issues remain, or if the Examiner has any further suggestions, he/she is invited to call the undersigned at the telephone number provided below. The Examiner's consideration of this matter is gratefully acknowledged.

Respectfully submitted,
FROMMER LAWRENCE & HAUG LLP

By: 
Darren M. Simon
Reg. No. 47,946
(212) 588-0800